Exhibit B

2015-03821 / Court: 215

Chris Daniel - District Clerk Harris County
Envelope No. 3879722
By: Cassandra Durisseau

Filed: 1/23/2015 2:42:57 PM

CAUSE	NO.	

MICHAEL R. STANFIELD	§	IN THE DISTRICT COURT OF			
Plaintiff V	8	HADDIC COUNTY THEY AC			
v.	8	HARRIS COUNTY, TEXAS			
BOSTON SCIENTIFIC	8				
CORPORATION and	§				
GUIDANT CORPORATION	§				
Defendants	§	JUDICIAL DISTRICT			

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff MICHAEL R. STANFIELD, and files this, his Original Petition complaining of Defendants BOSTON SCIENTIFIC CORPORATION and GUIDANT CORPORATION, and for cause would show the Court the following:

I. DISCOVERY CONTROL PLAN

1. Plaintiff intends to conduct discovery under Level 2 of Tex. R. Civ. P. 190.3.

II. PARTIES AND SERVICE

- 2. Plaintiff, **MICHAEL R. STANFIELD**, an individual, is a resident of Harris County, Texas.
- 3. Defendant, **BOSTON SCIENTIFIC CORPORATION** (hereinafter "BOSTON SCIENTIFIC"), is a foreign corporation whose registered agent for service is CORPORATION SERVICE COMPANY, 211 E. 7TH STREET, SUITE 620, AUSTIN, TEXAS 78701. Plaintiff requests the Clerk of the Court to issue citation for service.
- 4. Defendant, **GUIDANT CORPORATION** (hereinafter "GUIDANT"), is a foreign corporation that has not designated a registered agent for service of process in Texas, and therefore, the Secretary of State is the agent for service on GUIDANT. GUIDANT is engaged in

business in Texas and does not maintain a regular place of business in Texas. This lawsuit arises from nonresident GUIDANT's business in Texas. It is believed that GUIDANT's home office is located at 4100 HAMLINE AVENUE NORTH, ST. PAUL, MINNESOTA 55112-5798. Plaintiff requests the Clerk of the Court to issue citation for service.

III. JURISDICTION

5. The damages in this case far exceed the minimal jurisdictional requirements of this Court. The damages in this case exceed \$200,000.00 but are less than \$1,000,000.00. This Court has subject matter jurisdiction over the claims and has personal jurisdiction over the Defendants.

IV. BACKGROUND/STATEMENT OF FACTS

- 6. On January 26, 2013, surgery was performed on Plaintiff to do a system revision of a pacemaker generator and to extract an RV lead that were originally implanted into Plaintiff in Harris County, Texas. It was discovered during the surgery that the RV lead had a marked insulation break. The insulation break was freed up and the RV lead was extracted.
- 7. The operative procedure was undertaken because Plaintiff had a history of sick sinus syndrome and pain in his chest. Plaintiff could also hear noise coming from the pacemaker.

V. CAUSE OF ACTION: PRODUCT LIABILITY/STRICT LIABILITY

- 8. BOSTON SCIENTIFIC and/or GUIDANT were negligent in manufacturing the pacemaker and the RV lead.
- 9. Defendants designed, selected parts and materials for, developed, manufactured, assembled, packaged, tested, advertised, promoted, marketed and sold the pacemaker, model no. KO63, serial no. 124393, and the RV lead, Guidant model no. 4136, serial no. 29107536.
- 10. The injuries sustained by Plaintiff were the direct and proximate result of the carelessness and negligence of the Defendants in that:

- a. Defendants negligently designed, manufactured, tested, assembles, selected components and materials for, packaged, marketed, advertised and sold such pacemaker and RV lead.
- b. Defendants failed to use reasonable care in the testing, manufacture, and marketing of the pacemaker and RV lead.
- c. Defendants negligently failed to instruct or warn users of such products about its associated dangers or safe and proper methods of its use.
- d. Defendants negligently marketed such products with express and implied advertisements, promotions, and representations that it was safe for use in pacemaker patients.
- 11. Defendants expressly and impliedly warranted that such pacemaker and RV leads were safe, merchantable, and fit for use. Defendants breached their warranties because such products were unsafe, unmerchantable and unfit for use. Plaintiff relied on the warranties made by Defendants and was injured as the direct and proximate result of Defendants' breaches of warranty.
- 12. Defendants manufactured, marketed and sold the pacemaker and the RV lead which were in a defective and unreasonably dangerous condition and were dangerous and defective in design. The products were unreasonably dangerous and defective in design at the time when they were marketed by the Defendants and at the time they reached the Plaintiff. Such defective and dangerous condition and design proximately caused the Plaintiff's injuries while the product was used in a manner and for a purpose reasonably anticipated and foreseeable by Defendants. Plaintiff therefore invokes the doctrine of strict liability in tort.

VI. DAMAGES

- 13. The negligent and careless acts and omissions of Defendants in the manufacturing proximately caused the injuries sustained by the Plaintiff.
- 14. As a proximate result of the negligent acts and omissions of Defendants, Plaintiff has suffered great physical and mental pain, anguish, and impairment, with said damages in the sum of at least \$200,000.00.
- 15. As a further proximate result of the injuries and of the negligent acts and omissions of the Defendants, Plaintiff was confined to the hospital for a period of several days, which was necessary to have the pacemaker inspected and the old RV lead removed and replaced. Plaintiff has incurred expenses for those hospital services. Plaintiff has been under the care of physicians, and he has incurred expenses for those services.
- 16. Plaintiff, at the time of the surgery, was employed and earning a living. As a further proximate cause of the injuries and of the negligent acts and omissions of Defendant, Plaintiff was unable to work for a period of time during and after the surgery, and therefore lost income.

VII. RIGHT TO AMEND

17. Plaintiff specifically reserves the right to amend and/or supplement the allegations in this petition concerning the facts, the liability of the Defendants, and damages in order to conform with the evidence as it is discovered prior to trial and introduced at the trial of this cause, in accordance with the evidence, the Texas Rules of Civil Procedure, and this Court's orders to amend.

VIII. PRE-JUDGMENT AND POST-JUDGMENT INTEREST

18. Plaintiff seeks to recover pre-judgment and post-judgment interest at the maximum rates permitted by law.

IX. PRAYER

- 19. Plaintiff prays that Defendants be cited to appear and answer herein, and that upon final trial, Plaintiff would have:
 - a. Judgment against Defendants, jointly and severally, for actual damages in an amount that is within the jurisdictional limits of this Court;
 - b. Punitive or exemplary damages against each of the Defendants in the maximum amount permitted by law as an example and by way of punishment;
 - c. Pre-judgment interest at the maximum rate permitted by law:
 - d. Post-judgment interest at the maximum rate permitted by law until paid in full;
 - e. Costs of court; and
 - f. Such other and further relief to which Plaintiff may show himself justly entitled at law or in equity.

Respectfully submitted,

RANDY L. WOOTEN, P.C.

By____/s/ Randy L. Wooten_____ Randy L. Wooten SBN 21993400 5625 FM 1960 Road West, Suite 214 Houston, TX 77069-4210 (281) 580-6419 (281) 580-7628 Facsimile RLWooten@rlwootenlaw.com

ATTORNEY FOR PLAINTIFF



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this February 9, 2015

Certified Document Number:

63954670 Total Pages: 5

Chris Daniel, DISTRICT CLERK

HARRIS COUNTY, TEXAS

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Case 4:15-cv-00414 Document 1-2 Filed in TXSD on 02/13/15

CIVIL CASE INFORMATION SHEET

P1/23/2015 2342:57 PM Chris Daniel - District Clerk

CIVIL CASE INFORMATION SHEET

Harris County
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Address: FM 1960 RD. W STE. 214 City/State/Zip: HOUSTON, TX 77069 Signature: Koudy Y. Wootu	Telephone: (261) 560 - 6419 Fax:		Defendant(s)/Responde BOHON SC GNIDANT	ent(s):	Additiona Custodial	odial Parent	
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Appeal from Municipal or Justice Court							



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this February 9, 2015

Certified Document Number:

63954671 Total Pages: 1

Chris Daniel, DISTRICT CLERK

HARRIS COUNTY, TEXAS

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